



Christmas cat



Angela Abeyta harvested her "Christmas cat" on Dec. 24, 2011. Family and friends were present for the hunt, which had them hiking across miles of the east side of the Southern Ute Indian Reservation.

photo courtesy Aran Johnson/SU Wildlife



photo courtesy Monte Mills/SU Legal Dept.

Vice-Chairman James M. Olguin (left) prepares to testify before the U.S. House Subcommittee on Indian and Alaska Native Affairs regarding H.R. 3973, a bill "[t]o facilitate the development of energy on Indian lands by reducing Federal regulations that impede tribal development of Indian lands, and for other purposes." Also appearing with Vice-Chairman Olguin at the February 15th hearing in Washington, D.C., were (l-r) Chairwoman Irene Cuch, Ute Indian Tribal Business Council; Frederick Fox, Administrator, Tribal Energy Department, Mandan, Hidatsa and Arikara Nation; Tara Sweeney, Sr. Vice-President, Arctic Slope Regional Corporation; Randall King, Chairman, Shinnecock Nation Board of Trustees; and Wilson Groen, President and CEO, Navajo Nation Oil & Gas Company Exploration and Production.

Ute leaders support Native American Energy Act

Media release
U.S. House of Representatives

The U.S. House of Representatives' Subcommittee on Indians and Alaska Native Affairs held a legislative hearing on Wednesday, Feb. 15 on the Native American Energy Act, which promotes energy production on tribal lands by reducing government barriers and streamlining procedures.

The Native American Energy Act addresses specific concerns from various Indian County leaders about getting approval from the Secretary of the Interior for energy development. Bureaucratic and legal barriers have limited the ability of tribal governments and Alaska Native corporations to promote job creation and economic growth by developing their own resources.

"For too long, the federal government has stood in the way of Native Americans looking to develop their lands for energy production," said subcommittee Chairman Don Young (AK-At-large). "My bill will give America's tribes and Alaska Natives what they are seeking: more control over their own lands ... in order to be more self-sufficient."

"For decades our tribal leaders have ... urged you to change existing laws so that tribes would have the legal power to use their lands as they see fit."

**James M. Olguin,
Vice chairman
So. Ute Tribe**

support for the Native American Energy Act. James M. Olguin, vice chairman of the Southern Ute Indian Tribal Council, called the bill a "positive step forward in our longstanding effort to level the playing field when it comes to Indian energy development."

"For decades our tribal leaders have ... urged you to change existing laws so that tribes would have the legal power to use their lands as they see fit, free from the bureaucratic delays and interference," he said, adding the bill would "help implement our longstanding goal of self determination, and we thank you for introducing it."

Irene C. Cuch, chairwoman of the Northern Ute Tribal Business Committee, also expressed support, saying that the Indian Energy Development Offices proposed in the bill would "bring all of the agencies into the same room and would streamline processing."

"The oil and gas permitting process is a bureaucratic maze of federal agencies, and that it takes 49 steps to obtain one permit," she said.

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At the hearing, Indian and Alaska Native leaders expressed

Oral statement of Vice Chairman James M. Olguin

Good afternoon Chairman Young, Ranking Member Boren, and members of the subcommittee. I am Mike Olguin, the vice chairman of the Southern Ute Indian Tribe.

I am honored to appear before you today on behalf of my tribe and Tribal Council to provide testimony regarding H.R. 3973. I have submitted written testimony that covers all of our comments regarding that legislation, but I will focus my comments today to the areas of the bill that are most important in our view.

First, I commend you, Chairman Young, for introducing the Native American Energy Act, because the bill is a positive step forward for Indian energy development. At Southern Ute, we have a proven track record of successful and responsible energy development. Yet we still must rely on federal officials to tell us how to lease our own lands and minerals.

Our primary comments on the bill relate to its provisions regarding appraisals and environmental reviews. Additionally, we would like to suggest a new issue to be included in the legislation.

Appraisals

We strongly support Section 3 of H.R. 3973, which would provide greater flexibility in securing required appraisals for development of tribal trust lands. We often run into significant delays when trying to complete appraisals for various transactions.

For example, our tribe's consent was requested to grant a right-of-way for a fiber optic cable. In exchange for the right-of-way, the tribe asked for capacity in the cable for data transmis-

sion. Traditional appraisal methods could not effectively measure the value of that capacity, but our leaders knew that being connected would serve our government and businesses immensely.

After long and costly delays, we secured a waiver of the appraisal process for that transaction. Since then, we have demanded similar waivers for tribal trust land transactions.

Based on our experience and frustration, we strongly support the optional, alternative approach to appraisals suggested in Section 3.

NEPA reform

Section 5 of the proposed legislation would limit the categories of people who can comment, through the NEPA process, on projects proposed on tribal trust lands. Because many transactions taking place on these lands require federal approval, NEPA's requirements must be followed — meaning the transactions are often delayed.

As tribal leaders, we fully consider the environmental consequences of our actions. But it is unacceptable that, except for the federal government, we are the only landowners in the United States who are subject to NEPA with respect to our land use decisions. In fact, with regard to energy development, NEPA often means that other developers drain our resources from neighboring private land not subject to NEPA's requirements.

Therefore, we support the changes to the NEPA process proposed by Section 5 but we also hope that, someday, tribal trust lands are removed from the NEPA process altogether.

Proposed amendment on shared civil penalties

Lastly, we have recently learned of an issue that we believe would fit nicely into H.R. 3973. Under existing federal law, tribes can enter cooperative agreements with the Office of Natural Resources Revenue to assist with the audit of energy leases and royalty payments. ONRR can assess civil penalties against those who fail to make proper payments or file accurate reports under the applicable leases and regulations.

If the assessment of such civil penalties is the product of work performed by a tribal audit team, ONRR must share such civil penalty proceeds on 50/50 basis with the tribe; however, any civil penalty amounts shared by ONRR are then deducted from the amounts to be paid to the tribe under its cooperative agreement. This offset requirement unfairly punishes those tribes who work with the federal government to ensure responsible royalty reporting.

Therefore, we suggest amending existing federal law so that civil penalties recovered through the tribes' efforts are shared without deduction from the tribes' contract funding. The language we propose is reflected in our written comments, and I urge you to carefully review and consider our proposed addition to H.R. 3973 on this issue.

In conclusion, thank you again for this opportunity to appear before you today on behalf of the Southern Ute Indian Tribe. It is an honor and a privilege, and we look forward to continuing our work with you on this important matter.

Testing the sensors



Martin Valvur of Air Resource Specialists Inc. of Fort Collins, Colo., sets up a field test to compare the accuracy of the air monitoring equipment operated by the Southern Ute Air Quality Program on Tuesday, Feb. 14 at the Ute 1 site in Ignacio. It's critical that the AQP's instrumentation is within EPA parameters prior to submitting data to the EPA. Temperature sensors, one of many meteorological parameters measured at the Ute 1 station, are placed in an ice bath and heated water bath to measure the accuracy of the temperature sensor across a range representative of ambient conditions. A solar radiation sensor measures light intensity associated with direct sunlight. All factors have a direct influence on the immediate air quality. Calibrations are typically performed at the air monitoring station every three months.

photos Jeremy Wade Shockley/SU DRUM



Southern Ute Youth Turkey Hunt April 28-29, 2012

The Southern Ute Wildlife Division and National Wild Turkey Federation (NWTf) are sponsoring a Youth Turkey Hunt on Tribal lands on April 28th and 29th, 2012. Our goal is to educate and encourage Tribal Member youth about hunting and outdoor activities on the Reservation. The Hunt will be filmed and broadcast on NWTf's Turkey Call television show.



Requirements:

- ✓ 12 to 17 years old (after April 28th 1995 and before April 28th 2000)
- ✓ Passed Hunter Education
- ✓ Enrolled Southern Ute Tribal Member

In addition, the Wildlife Division is interested in recruiting experienced adult Tribal Member turkey hunters to serve as mentors for the youth hunters.

Please contact the Southern Ute Wildlife Division at (970) 563-0130 for more information, to register, or volunteer.